

Draft of 12/03/2013

Chadds Ford Township  
Delaware County, PA

Board of Supervisors' Meeting  
Wednesday, November 6, 2013  
7:00PM

Officials Present:

Deb Love, Chair  
George Thorpe, Vice Chairman (by Phone)  
Keith Klaver, Supervisor  
Judy Lizza, Manager  
Hugh Donaghue, Solicitor  
Joe Mastronardo, Engineer  
Mike Daily, Fire Marshal  
Matt DiFilippo, Secretary

Call to Order: Conditional Use Hearing, 1516 Wilmington Pike, Hotel  
Chair Love called the Conditional Use Hearing to order at 7:01PM

Solicitor Donaghue introduced the Conditional Use Hearing and clarified the particulars to the use of 1516 Wilmington Pike as a hotel by applicant Brian McFadden. The hearing was continued to give Vice Chairman Thorpe sufficient time to review the evidence to which he responded as accomplishing. He inquired about parking spaces and allotting enough space for snow removal during the winter months to which the applicant responded.

Solicitor Donaghue opened the floor for questions. There were none.

Upon motion and second (Klaver/ Love) the Board closed the Conditional Use hearing.

Call to Order

Chair Love called the Regular Meeting to order at 7:08PM.

Bruce Prabel, Heyburn Road, reported recording the meeting.

New Business: Resolution 2013 – 25: 1244 – 1250 Baltimore Pike SALDO (Lot-Line Change)

Solicitor Donaghue introduced the resolution. Conditions were reviewed. The easement with Painters Crossing was inquired about by Supervisor Klaver to which Solicitor Donaghue responded must be completed before the plans can be recorded. Chair Love inquired about future improvements to the property to which Solicitor Donaghue reported there were none.

Salvatore Faia, Chadds Ford Estates and Preservation Society, inquired about the purpose of the lot line change and expressed disapproval in any possible future construction.

Samantha Reiner, Webb Road, inquired about public sewer and exemptions to which Engineer Mastronardo responded that it's a minor lot line change.

Frank Murphy, Marshall Road, expressed concern about lot line changes in the proximity of the proposed loop road and urged the Board to vote no.

Valerie Hoxter, Painters Crossing, inquired about the easement. Solicitor Donaghue responded that the easement is required as a part of the Resolution.

Frank Murphy, Marshall Road, clarified possible development along the discussed corridor completing a future loop road.

Ron Coates, Painters Crossing, explained ownership of the area to which Engineer Mastronardo further clarified. Samantha Reiner, Webb Road, Bruce Prabel, Heyburn Road, and Valerie Hoxter, Painters Crossings all inquired further for clarification. Chair Love and Supervisor Klaver appreciated the audience comments, and property owner's certain rights to their property.

Upon motion and second (Klaver/ Love) the Board adopted Resolution 2013 – 25: 1244 – 1250 Baltimore Pike minor lot line change.

New Business: Resolution 2013 – 26, 1801 Wilmington Pike SALDO (Renovations)

Resolution 2013 – 26 was introduced by Solicitor Donaghue. The Fee in Lieu amount of \$8,639.55 for the applicant, David Kelleher, was discussed. Chair Love stated the applicant's renovation intentions as well as the applicants past monetary contributions to the community should be considered, and recommended the Fee in Lieu be reduced to \$1,500. Vice Chairman Thorpe gave no objection. Supervisor Klaver agreed that there's no question about Mr. Kelleher's generosity to the community but it is not a basis for lowering the amount.

Solicitor Donaghue offered the suggestion that the Board adopt the resolution as written. The applicant may file a written appeal which the Supervisors may consider at their next meeting.

Bill Gross, Glen Drive, commented on the car carriers loading and unloading off of Wilmington Pike.

Samantha Reiner, Webb Road, inquired whether or not fee in lieu was part of the Township's SALDO Ordinance, to which Solicitor Donaghue responded yes.

Debbie Reardon, Talley Ho, Open Space Chair, expressed concern over a precedent being set in not collecting proper fee in lieu amounts.

David Kelleher, 1801 Wilmington Pike, commented that he wished no dissention in the community over said condition of the SALDO agreement.

Valerie Hoxter, Painters Crossing, asked for further clarification of the fee in lieu to which Solicitor Donaghue responded.

Upon motion and second (Klaver/Thorpe) the Board adopted 2013 – 26: SALDO, 1801 Wilmington Pike (Renovations).

New Business: 2013-27: 1516 Wilmington Pike, Conditional Use as Hotel

Solicitor Donaghue read the resolution.

Upon motion and second (Klaver/ Thorpe) the Board adopted Resolution 2013 – 27, 1516 Wilmington Pike, Conditional Use as a Hotel.

New Business: Text Amendment to the Chadds Ford Township Light Industrial Zone

Solicitor Bob Adams introduced the text amendment and explained the agreement of sale between the Henderson Group and the YMCA of the Brandywine Valley. Solicitor Adams continued that the amendment would allow non-profit recreation facilities by conditional use to operate in the Light Industrial zones within the Township.

There was discussion among the Board about the different YMCA organizations representing different regions, and financial and traffic impacts of a YMCA in the area.

Public Comment

Bruce Prabel, Heyburn Road, commented on the location of the YMCA in the Township and offered suggestions that the YMCA build somewhere else in the Township such as on Oakland Road near the Brinton 1706 House. He also argued that the Light Industrial zone in the Township prohibits retail sales and that the YMCA conducts retail sales selling memberships.

Solicitor Adams responded that the idea that a YMCA is a retail establishment is ridiculous and now is not time to debate the YMCA's intentions rather whether or not the Board will consider a text amendment to the Light Industrial zone of the Township to allow non-profit recreational centers by conditional use.

Samantha Reiner, Webb Road, and Valerie Hoxter, Painters Crossing, inquired about any public hearing required under MPC law to which Solicitor Donaghue responded that public hearings would be held upon receipt of conditional use applications.

Tim Walsh, YMCA of the Brandywine Valley responded to questions from the public. There was discussion between Frank Murphy, Marshall Road and Solicitor Donaghue about the MPC timeline.

There were no comments from Vice Chairman Thorpe. Supervisor Klaver commented that he had a lot of respect for the YMCA but he struggled with the idea of increasing traffic at the proposed location. He strongly believes the site would be a health and safety issue not only for existing residents, but also for potential future use at the facility.

Upon motion and second (Klaver/ Thorpe) the Board voted 2 – 1 (Love) to return all fees to the applicant, the YMCA of the Brandywine Valley, and continue the process of a text amendment.

Chair Love expressed her disagreement with the vote and how the YMCA would be an advantage for and an attribute to the community.

#### New Business: LST Collections of Prior Year Unpaid Taxes by Keystone Collects

There was discussion of the motion passed in earlier in June, 2013 to engage Keystone Collects to collect LST prior year unpaid taxes from businesses from 2007 – 2012. Supervisor Klaver explained the burden and that the Board should only collect 2013 unpaid taxes.

Upon motion and second (Klaver/ Thorpe) the Board agreed to collect unpaid LST taxes for the prior year of 2013 only.

#### 2014 Township Budget

Manager Lizza introduced the 2014 budget, and requested action from the Board to advertise the budget for adoption at the December 4, 2013 Regular Meeting. She informed the public that copies of the budget were available for review, and highlighted certain items of the budget. Supervisor Klaver highlighted that there would be no tax increase.

Upon motion and second (Klaver/ Love) the Board agreed to advertise the budget for adoption at the December 4, 2013 Regular Meeting.

Samantha Reiner, Webb Road, commended the Board on the budget process.

#### Presentation: Wilmington Pike

Ed Morris presented a sketch plan to build a 100-unit assisted living community on Wilmington Pike. He explained the site, the zone and how it's been vacant for a while. The neighboring residential community was discussed and the onus of the applicant providing proper screening. Solicitor Donaghue was tasked to research the zoning and use application of the site.

#### Approval of Minutes

Upon motion and second (Klaver/ Love) the Board approved the Regular Meeting minutes of October 2, 2013.

#### Supervisors' Report

The Supervisors reported meeting in executive session Wednesday, October 30 after the budget meeting to discuss personnel matter, Friday, November 1 to discuss personnel matters and after the November 4 Workshop Meeting to discuss potential litigation.

#### Manager's Report

Manager Lizza submitted a written report. She announced upcoming Zoning Hearing Board

applications and SALDO extensions. Manager Lizza reported that PENNDOT District 6-0 sent letters to property owners in the proximity of the loop road with intent to enter to conduct studies to complete the loop road in the Southwest quadrant. She announced the Building Inspector and Zoning Official and the Fire Marshal have submitted their monthly reports.

Supervisor Klaver commended Manager Lizza and Township Treasurer Barb Biedekapp on the budgeting process they conducted.

#### Treasurer's Report

Secretary DiFilippo reported the Township's financial activity for the month of October 2013.

#### GENERAL FUND

General Fund Unrestricted Balance: \$600,986.13

#### RECEIPTS:

Miscellaneous Collections & TWP. Reimbursements:	\$57,473.92
Brandywine Drive Maintenance Fund (Calvary Chapel):	\$5,000.00
Monthly Deed Reconciliation (September 2013):	\$24,486.05
July & August 2013 Real Estate Tax Collections:	<u>\$2,997.48</u>
TOTAL RECEIPTS:	\$89,957.45

#### DISBURSEMENTS:

Bills, Wages and Vendor Payments:	\$74,845.06
2013 Road Program 1 <sup>st</sup> and Final Payment to Allan Myers:	\$161,983.40
July & August 2013 RE Tax Collections to Open Space Fund:	\$996.23
July & Aug. 2013 RE Tax Collections to Capital Improve. Fund:	<u>\$323.76</u>
TOTAL DISBURSEMENTS:	\$238,148.45

Upon motion and second (Klaver/ Love) the Board approved the General Fund Disbursements in the amount of \$238,148.45.

Upon motion and second (Klaver/ Love) the Board approved to transfer the \$5,000 received from Calvary Church to the Brandywine Drive Money Market.

Upon motion and second (Klaver/ Love) the Board approved the release of an \$800.00 grading escrow for work done at 1244 Baltimore Pike in its entirety to property owner Luren Dickinson.

Upon motion and second (Klaver/ Love) the Board approved the release of a \$950.00 SEO escrow for work done at 2 Pine Lane, retaining \$572.75 for unpaid engineering invoices and returning \$377.25 to the homeowner.

#### Engineer's Report

Engineer Mastronardo submitted a written report and asked for approval of release of escrow for Calvary Chapel, 500 Brandywine Drive.

Upon motion and second (Klaver/ Love) the Board approved the release of escrow to Calvary Chapel in the amount of \$123,000.

Committee Reports

Written reports were submitted and included in the packets distributed to the Board.

Public Comment

There was no public comment. Supervisor Klaver announced that the Board was always looking for volunteers to fill vacant positions on committees.

Adjournment

Upon motion and second (Klaver/ Love) the Board adjourned the meeting at 9:29PM.

Respectfully submitted,

Matt DiFilippo, Secretary